



Testimony of Curt Schroder
Executive Director
Pennsylvania Coalition for Civil Justice Reform

Before

The Senate State Government Committee

On

SB 125, A Constitutional Amendment Permitting the Legislature to
Establish Venue Policy

October 27, 2025

Good morning, Chairman Dush, Chairman Santarsiero and members of the Senate State Government Committee. I am Curt Schroder, Executive Director of the Pennsylvania Coalition for Civil Justice Reform (PCCJR). PCCJR is a state-wide coalition of employers and businesses in Pennsylvania as well as those who provide health care to you and your constituents. PCCJR advocates for fairness in civil litigation and seeks to enact laws that balance the playing field between those who sue and those who are sued. We fight lawsuit abuse in the Commonwealth.

PCCJR supports SB 125, and we thank Senator Dush for introducing it and leading this effort.

At the outset, it is important to point out that Article 5, Section 10 of the Pennsylvania Constitution gives the Legislature the authority to determine jurisdiction in civil cases, in other words, who can be subjected to suits in Pennsylvania Courts. Inherent in that constitutional authority is the right of the General Assembly to determine which counties in Pennsylvania a person can sue and be sued—otherwise known as venue. Indeed, the Legislature is quite practiced at determining venue as there are no fewer than 62 venue provisions contained in various Pennsylvania statutes. Historically venue has been a shared responsibility between the legislature and the Supreme Court. A complete list of statutory venue provisions is found in **Appendix A**.

PCCJR not only supports the right of the General Assembly to determine venue policy, we also support limiting venue in all civil cases to where the cause of action arose. Such a policy promotes fairness in litigation. Pennsylvania courts traditionally have given great weight and deference to a plaintiff's choice of forum, or county, to bring suit. But doing so ignores basic notions of fairness and often places the plaintiff at an advantage in litigation at a moment when the case is based on allegations only. It assumes that the one bringing suit has interests that are greater than the one being sued. There is no equitable reason to give one party the advantage over the other at the start of the litigation. SB 125 eliminates this uneven playing field and allows the General Assembly to determine where parties can fairly be sued.

The plaintiffs' bar will no doubt oppose the legislation. They want to maintain the status quo because it allows them to file suits in Philadelphia County and other urban areas that have historically awarded larger verdicts than in non-urban areas. And because the members of the plaintiffs' bar work on a contingency fee basis, the larger the verdicts for their clients, the larger the fees collected by the plaintiffs' bar. But the Legislature should not allow the greed of a few well-heeled attorneys to stand in the way of commonsense reform like SB 125. It is also offensive to suggest, as the plaintiffs' bar repeatedly has in the past, that justice can only be served in the courtrooms of Philadelphia County. That is an

insult to the judges and juries in the counties represented by most of the members of this committee. Judges and juries in non-urban counties take their roles seriously and care just as much about justice as their counterparts in Philadelphia. That prejudicial attitude must be rejected and seen for the insult that it is to your dedicated judges and jurors.

Medical Malpractice Venue

The genesis for this conversation is the rescission of the so-called “medical malpractice venue rule,” former Pennsylvania Rule of Civil Procedure 1006(a.1). Former Rule 1006(a.1) was adopted by the Pennsylvania Supreme Court in 2003 in response to a well-documented medical liability crisis that wreaked havoc in the delivery of health care in Pennsylvania. Forum shopping was rampant, resulting in a flood of cases being filed in Philadelphia County. The million dollar-plus verdicts being handed out at the time by Philadelphia juries like candy bars on Halloween, resulted in liability insurance premiums being unaffordable. This had a dire impact on access to patient care. Maternity wards across the Commonwealth closed, never to re-open. High risk specialists curtailed services, preventing patients from receiving needed care. Medical students educated and trained in our facilities went elsewhere to practice.

The data provided by the Supreme Court on the number of medical malpractice case filings show a sharp and steady drop in cases filed in Philadelphia after the enactment of the medical liability venue rule. See **Appendix B**. Philadelphia was averaging 1204 cases filed each year during the years 2000-2002. In 2003, the year former Rule 1006(a.1) went into effect, cases plummeted by half as the rule successfully prevented the venue shopping as it was intended to do.

Premiums stabilized during the years immediately following the medical liability venue rule enactment. Access to care for patients improved as doctors and specialists began offering certain procedures again. The medical liability venue rule worked as it was intended for twenty years. Medical liability premiums remained stable, the delivery of medicine flourished and those injured by a medical procedure received justice in the courtrooms across Pennsylvania.

All it took was one letter from one disgruntled plaintiffs’ attorney to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court to begin the process of rescinding the medical liability venue rule. Arguments made in favor of eliminating the rule by the plaintiffs’ bar were specious at best. Plaintiff’s attorneys argued that the rule was only intended to be temporary to get Pennsylvania over the crisis (a crisis they deny to this day). They also contended that that medical malpractice defendants should not receive “special treatment,” and therefore, all civil cases should be subject to one set of venue rules.

Plaintiffs' attorneys further claimed that any cost savings believed to be obtained from limiting venue is a zero-sum gain because it results in less compensation to the victim.

I will address these assertions one by one.

The Med Mal Venue Rule Was Not Intended to Be Temporary

Let me be clear. As one who was a member of the House during the time of the medical liability crisis of the early 2000's, there was never any suggestion that the medical malpractice venue rule was intended to be temporary. One searches the legislative record and the record of the Interbranch Commission on Venue in vain to find any discussion of the rule being temporary.

Retired Justice William Lamb was appointed to the Pennsylvania Supreme Court by Governor Schweiker in 2003 to fill out the unexpired term of Chief Justice Steve Zappala. Governor Rendell had just taken office and signed off on the appointment. Justice Lamb vividly recalls the Court's adoption of the medical liability venue rule. According to Justice Lamb:

The rule change was enacted VERY quickly in response to Gov. Rendell's white paper on Med Mal. We felt we had to do something and the simplest and easiest action we could take was to change the rule on venue. It was never "temporary" but was classified as a quick, easy and meaningful change. CJ Cappy said that if it did not help we could obviously change it back. Any rule is temporary in the sense the Court can make whatever change they wanted at anytime. I then went on to chair the Med Mal task force for the court for several years and there was never any attempt to classify it as temporary and most on our task force believed it to be extremely helpful. The rule appeared to work quite well quelling the forum shopping which the rule was intended to stop. I concluded my service in 2009.

Justice William Lamb, September 9, 2019

There is Nothing in the Law Suggesting All Civil Cases Must Be Subjected to One Venue Rule

As for the idea that all civil cases should be governed by the same venue rule, there is nothing in the law to back up this assertion. This argument is merely a talking point created by the trial bar for purposes of supporting the rescission of the medical malpractice venue rule.

But if one venue rule is to apply to all civil cases, then it should require that a case only be filed in the county in which the cause of action arose, because that is the location that has the most direct nexus to the matter. Former Rule 1006(a.1) did just that, while also curbing

forum/venue shopping. Thus, former Rule 1006(a.1) personified fairness, and it should serve as the model for SB 125. I will also add that a review of all fifty states found numerous examples of venue rules in numerous states that apply to different causes of action such as products liability, automobile accidents, medical malpractice etc... A complete listing of these state venue rules is available upon request.

No Zero-Sum Game

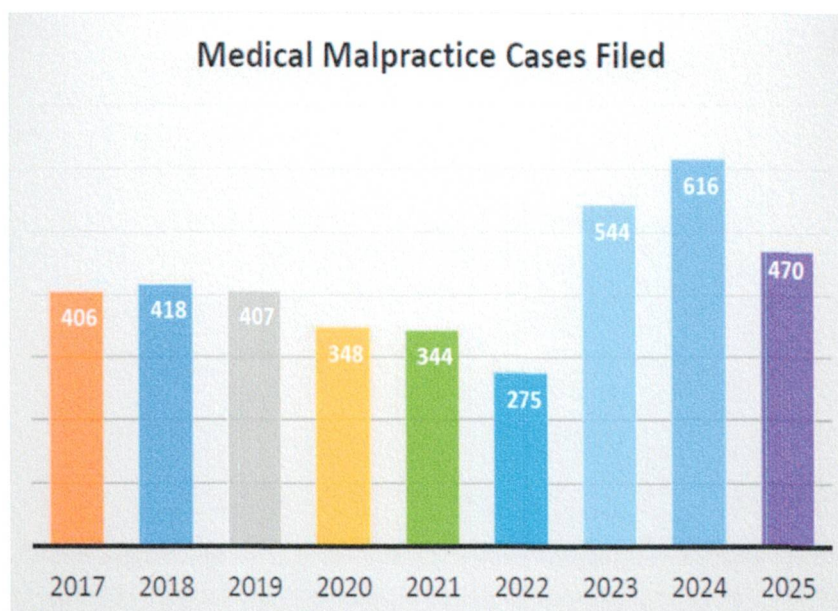
And as for the contention that venue is a zero-sum game, I have never once heard a plaintiff say that they did not receive fair compensation because they had to litigate a matter in Bucks County, Chester County, Montgomery County or any non-urban county instead of Philadelphia. The fact of the matter is that litigating cases in Philadelphia County—instead of where the cause of action arose—creates a potential windfall for the plaintiffs' bar.

The Impact of the Rescission of the Medical Malpractice Venue Rule

The impact of former Rule 1006(a.1) repeal was immediate. This chart from the Philadelphia Court of Common Pleas tells the story. From the beginning of 2023, the effective date of the rule rescission, medical liability cases shot up sharply in Philadelphia. From the low 400s prior to the pandemic, dipping to 275 in 2022 during the pandemic, medical liability cases shot up sharply in 2023 to 544 cases filed. 2024 saw 616 cases filed. If current trends continue, 2025 will see the 2024 number eclipsed.

Medical Malpractice Cases Filed

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Avg./Mo.
2017	45	34	26	32	50	39	36	33	20	22	34	35	406	34
2018	44	31	29	37	33	33	42	29	36	47	35	22	418	35
2019	24	27	31	40	38	48	36	26	36	25	32	44	407	34
2020	29	33	29	31	24	28	33	36	19	33	30	23	348	29
2021	32	32	31	32	37	23	32	23	26	24	39	13	344	29
2022	18	24	23	24	20	26	21	21	28	20	25	25	275	23
2023	70	47	38	50	53	42	43	50	31	44	33	43	544	45
2024	42	42	51	59	55	57	46	54	36	56	48	70	616	51
2025	66	50	50	44	50	62	50	54	44				470	52



Nuclear Verdicts

There must be a reason why plaintiff's attorneys are choosing to file such a disproportionate number of cases in Philadelphia County in the wake of the repeal of the medical liability venue rule. The answer is simple: nuclear verdicts. Nuclear verdicts (verdicts over \$10 million) occur across Pennsylvania but are most prevalent in Philadelphia. In 2023, Pennsylvania had \$1.2 billion worth of nuclear verdicts in all civil cases, and over 81% of those nuclear verdicts (9 out of 11) occurred in Philadelphia

County. In 2024, Pennsylvania had \$3.3 billion worth of nuclear verdicts in all civil cases, and 75% of those nuclear verdicts (12 out of 16) occurred in Philadelphia County too.

Even if you look solely at medical malpractice actions, the trend is still alarming. Since the repeal of the medical liability venue rule almost three years ago, there have been nine nuclear verdicts in medical malpractice actions across Pennsylvania totaling over \$370 million—including the highest medical malpractice verdict ever in the history of Pennsylvania—and 66% of those verdicts (6 out of 9) were issued in Philadelphia. For the sake of comparison, there were nine medical malpractice nuclear verdicts issued in Philadelphia in the three-year period before former Rule 1006(a.1) was adopted. Angela Couloumbis and Stephen Caruso, “Major shift in medical malpractice rules in Pa. could help victims, but opponents fear the cost,” SPOTLIGHT PA (Aug. 25, 2022). In other words, history is literally repeating itself. This shows that the need for venue reform is just as acute today as it was back in the early 2000s.

The following chart captures the nuclear verdicts handed down in Pennsylvania since 2021.

Case name	Date	Verdict	Venue	Case Type
1. Dearden	6/21	\$20m	Philadelphia	Auto
2. Axiall	10/21	\$21.1m	Allegheny	Casualty/Industrial
3. Fraser	3/22	\$19m	Westmoreland	Premises
4. Downes	7/22	\$18m	Chester	Med Mal
5. Feldman	10/22	\$15.5m	Philadelphia	Construction
6. Melendez	10/22	\$19.7m	Philadelphia	Med Mal
7. Sweigart	11/22	\$25m	ED Pa.	Auto
8. Daciw	12/22	\$25m	Philadelphia	Asbestos
9. Newlin	1/23	\$19m	Delaware	Nursing Home
10. Maragos	2/23	\$43.5m	Philadelphia	Med Mal
11. Latham	3/23	\$16m	Beaver	Med Mal
12. Hagans	4/23	\$182m	Philadelphia	Med Mal
13. Parks	5/23	\$25.9m	Philadelphia	Med Mal
14. Rosenberg	6/23	\$10.4m	Philadelphia	Auto
15. Clemmons	9/23	\$26.2m	Philadelphia	Auto
16. Tomascik	10/23	\$10.0m	Philadelphia	Construction
17. Caranci	10/23	\$175m	Philadelphia	Product/RoundUp
18. Amagasu	10/23	\$980m	Philadelphia	Auto
19. Abraham	12/23	\$15m	ED Pa	Employment
20. Munoz	12/23	\$14m	Philadelphia	Med Mal
21. McKivison	1/24	\$2.25b	Philadelphia	Mass Tort/Roundup

22. Breen 2/24 \$10m Philadelphia Med Mal
23. Heffelfinger 2/24 \$11m Luzerne Dental Mal
24. Torres 4/24 \$12m Philadelphia Auto
25. Holmes 4/24 \$20.5m MD Pa Employment
26. Gill 5/24 \$725.5m Philadelphia Product/Benzene
27. Boyd 6/24 \$20m Philadelphia Auto
28. Marhunou 6/24 \$68.5m Philadelphia Construction
29. Meyers 7/24 \$10m Philadelphia Defamation
30. Hernandez 8/24 \$44.9m Philadelphia Med Mal
31. Spangler 9/24 \$23.9m York Med Mal
32. Milessen 10/24 \$78m Philadelphia Mass Tort/Roundup
33. Vescio 10/24 \$29.4m Allegheny Employment/Defamation
34. Brown 10/24 \$15m Philadelphia Auto
35. Abrahams 11/24 \$11m Philadelphia Product Liability
36. Wilson 12/24 \$29m Chester Auto
37. Dawson 9/25 \$14m Philadelphia Nursing Home

Of course, medical malpractice is not the only category of cases suffering the impact of nuclear verdicts in Philadelphia; no type of case is immune. But for the good of the healthcare sector of Pennsylvania and all of those who create and make employment opportunities that our families depend on, venue shopping for nuclear verdicts and the forty percent of those verdicts pocketed by the plaintiffs' bar, must come to an end. Enacting the constitutional amendment found in SB 125 is the necessary first step.

Premiums Are Soaring

Medical Liability Insurance Premiums are rising across the state. It will be argued that it is hard to pinpoint specific reasons for premium increases as there are a number of factors that go into premium calculation. I do not dispute this. But the premium increase differentials between certain geographic areas of the state can be directly tied to rescission of the medical liability venue rule. Areas of the state with health care facilities and physician practices now subject to being sued in Philadelphia are seeing significantly higher premium increases than other parts of the state.

We know from information provided from Judge Daniel Anders, Administrative Judge of the Trial Division of the Philadelphia Court of Common Pleas, that the first of the cases filed in Philadelphia after the rule change only began going to trial this year. Medical liability insurers are reacting accordingly to ensure they charge appropriate premiums for the risk insured and to have adequate reserves to cover their exposure.

The Medical Liability Monitor's Annual Rate Survey (October 2025) published these premium increases for Pennsylvania medical liability insurers for 2025:

SPECIALTY	2024 RATE	2024 SURCHARGE	2024 TOTAL	2025 RATE	2025 SURCHARGE	2025 TOTAL	% CHANGE
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PENNSYLVANIA (CONTINUED)

Curi

(Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)

Internal Medicine	\$17,278	\$4,248	\$21,526	\$21,155	\$6,690	\$27,845	29.36%
General Surgery	\$78,790	\$15,801	\$94,591	\$96,465	\$25,123	\$121,588	28.54%
OB/Gyn	\$101,079	\$19,621	\$120,700	\$123,759	\$31,217	\$154,976	28.40%
Nurse Practitioner				\$7,256	N/A	\$7,256	0.00%

(Lackawanna, Monroe and Schuylkill Counties)

Internal Medicine	\$16,415	\$4,644	\$21,059	\$18,263	\$4,065	\$22,328	6.03%
General Surgery	\$74,850	\$17,330	\$92,180	\$83,276	\$14,996	\$98,272	6.61%
OB/Gyn	\$96,025	\$21,525	\$117,550	\$106,839	\$18,610	\$125,449	6.72%
Nurse Practitioner				\$6,264	N/A	\$6,264	0.00%

(Carbon, Columbia, Lehigh, Luzerne, Montour, Northampton, Northumberland, Pike, Wayne and Wyoming Counties)

Internal Medicine	\$13,823	\$3,471	\$17,294	\$15,378	\$5,439	\$20,817	20.37%
General Surgery	\$63,032	\$12,805	\$75,837	\$70,125	\$20,296	\$90,421	19.23%
OB/Gyn	\$80,863	\$15,891	\$96,754	\$89,966	\$25,208	\$115,174	19.04%
Nurse Practitioner				\$5,275	N/A	\$5,275	

(Cumberland, Dauphin and Franklin Counties)

Internal Medicine	\$12,959	\$3,257	\$16,216	\$14,421	\$4,974	\$19,395	19.60%
General Surgery	\$59,092	\$11,976	\$71,068	\$65,758	\$18,504	\$84,262	18.57%
OB/Gyn	\$75,809	\$14,859	\$90,668	\$84,364	\$22,978	\$107,342	18.39%
Nurse Practitioner				\$4,947	N/A	\$4,947	

(Remainder of State)

Internal Medicine	\$10,367	\$2,629	\$12,996	\$11,537	\$3,078	\$14,615	12.46%
General Surgery	\$47,274	\$9,554	\$56,828	\$52,607	\$11,189	\$63,796	12.26%
OB/Gyn	\$60,647	\$11,844	\$72,491	\$67,491	\$13,871	\$81,362	12.24%
Nurse Practitioner				\$3,957	N/A	\$3,957	

The Doctors Company

(Delaware and Philadelphia Counties)

Internal Medicine	\$18,088	\$5,713	\$23,801	\$18,088	\$6,690	\$24,778	4.10%
General Surgery	\$78,431	\$21,452	\$99,883	\$78,431	\$25,123	\$103,554	3.68%
OB/Gyn	\$86,134	\$26,657	\$112,791	\$86,134	\$31,217	\$117,351	4.04%
Nurse Practitioner	\$2,713	N/A	\$2,713	\$2,713	N/A	\$2,713	0.00%

(Lackawanna, Monroe and Schuylkill Counties)

Internal Medicine	\$17,995	\$4,644	\$22,639	\$17,995	\$4,065	\$22,060	-2.56%
General Surgery	\$78,840	\$17,330	\$96,170	\$78,840	\$14,996	\$93,836	-2.43%
OB/Gyn	\$86,658	\$21,525	\$108,183	\$86,658	\$18,610	\$105,268	-2.69%
Nurse Practitioner	\$2,699	N/A	\$2,699	\$2,699	N/A	\$2,699	0.00%

(Carbon, Columbia, Lehigh, Luzerne, Montour, Northampton, Northumberland, Pike, Wayne and Wyoming Counties)

Internal Medicine	\$15,824	\$3,471	\$19,295	\$15,824	\$5,439	\$21,263	10.20%
General Surgery	\$67,215	\$12,805	\$80,020	\$67,215	\$20,296	\$87,511	9.36%
OB/Gyn	\$73,685	\$15,891	\$89,576	\$73,685	\$25,208	\$98,893	10.40%
Nurse Practitioner	\$2,374	N/A	\$2,374	\$2,374	N/A	\$2,374	0.00%

(Bucks, Chester, Cumberland, Franklin and Montgomery Counties)

Internal Medicine	\$14,252	\$5,713	\$17,723	\$14,252	\$6,690	\$20,942	18.16%
General Surgery	\$58,796	\$21,452	\$71,601	\$58,796	\$25,123	\$83,919	17.20%
OB/Gyn	\$64,293	\$26,657	\$80,184	\$64,293	\$31,217	\$95,510	19.11%
Nurse Practitioner	\$2,138	N/A	\$2,138	\$2,138	N/A	\$2,138	0.00%

(Remainder of State)

Internal Medicine	\$11,067	\$2,629	\$13,696	\$11,067	\$3,078	\$14,145	3.28%
General Surgery	\$43,404	\$9,554	\$52,958	\$43,404	\$11,189	\$54,593	3.09%
OB/Gyn	\$47,242	\$11,844	\$59,086	\$47,242	\$13,871	\$61,113	3.43%
Nurse Practitioner	\$1,660	N/A	\$1,660	\$1,660	N/A	\$1,660	0.00%

(Crawford, Erie, Lawrence and Mercer Counties)

Internal Medicine	\$11,254	\$3,471	\$14,725	\$11,254	\$3,814	\$15,068	2.33%
General Surgery	\$45,241	\$12,805	\$58,046	\$45,241	\$14,025	\$59,266	2.10%
OB/Gyn	\$49,355	\$15,891	\$65,246	\$49,355	\$17,402	\$66,757	2.32%
Nurse Practitioner	\$1,688	N/A	\$1,688	\$1,688	N/A	\$1,688	0.00%

NORCAL Insurance Co. (ProAssurance Group)

(Philadelphia and Delaware Counties)

Internal Medicine	\$18,934	\$5,713	\$24,647	\$19,852	\$6,690	\$26,542	7.69%
General Surgery	\$72,909	\$21,452	\$94,361	\$77,064	\$25,123	\$102,187	8.29%
OB/Gyn	\$96,249	\$26,657	\$122,906	\$104,757	\$31,217	\$135,974	10.63%
Nurse Practitioner	\$2,731	N/A	\$2,731	\$2,982	N/A	\$2,982	9.19%

(Lackawanna, Monroe and Schuylkill Counties)

Internal Medicine	\$17,816	\$4,664	\$22,480	\$18,375	\$4,065	\$22,440	-0.18%
General Surgery	\$67,850	\$17,330	\$85,180	\$70,380	\$14,996	\$85,376	0.23%
OB/Gyn	\$89,487	\$21,525	\$111,012	\$95,553	\$18,610	\$114,163	2.84%
Nurse Practitioner	\$2,571	N/A	\$2,731	\$2,651	N/A	\$2,651	-2.93%

(Carbon, Columbia, Dauphin, Lehigh, Luzerne, Montour, Northampton, Northumberland, Pike, Wayne and Wyoming Counties)

Internal Medicine	\$16,360	\$3,257	\$19,617	\$16,865	\$5,439	\$22,304	13.70%
General Surgery	\$61,267	\$11,976	\$73,243	\$63,549	\$20,296	\$83,845	14.48%
OB/Gyn	\$80,687	\$14,859	\$95,546	\$86,147	\$25,208	\$111,355	16.55%
Nurse Practitioner	\$2,663	N/A	\$2,663	\$2,435	N/A	\$2,435	-8.56%

(Bucks, Chester, Cumberland, Franklin and Montgomery Counties)

Internal Medicine	\$15,058	\$5,713	\$18,529	\$16,475	\$6,690	\$23,165	25.02%
General Surgery	\$55,378	\$21,452	\$68,183	\$61,787	\$25,123	\$86,910	27.47%
OB/Gyn	\$72,813	\$26,657	\$88,704	\$83,720	\$31,217	\$114,937	29.57%
Nurse Practitioner	\$2,177	N/A	\$2,177	\$2,379	N/A	\$2,379	9.28%

(Crawford, Erie, Lawrence and Mercer Counties)

Internal Medicine	\$14,492	\$3,471	\$17,963	\$16,183	\$3,814	\$19,997	11.32%
General Surgery	\$52,814	\$12,805	\$65,619	\$60,465	\$14,025	\$74,490	13.52%
OB/Gyn	\$69,386	\$15,891	\$85,277	\$81,899	\$17,402	\$99,301	16.45%
Nurse Practitioner	\$2,096	N/A	\$2,096	\$2,338	N/A	\$2,338	11.55%

(Remainder of State)

Internal Medicine	\$12,501	\$2,629	\$15,130	\$12,855	\$3,078	\$15,933	5.31%
General Surgery	\$43,806	\$9,554	\$53,360	\$45,408	\$11,189	\$56,597	6.07%
OB/Gyn	\$57,343	\$11,844	\$69,187	\$61,166	\$13,871	\$75,037	8.46%
Nurse Practitioner	\$1,812	N/A	\$1,812	\$1,862	N/A	\$1,862	2.76%

Medical Protective (Med Pro) the medical liability insurer with the most insureds in Pennsylvania, reports the following:

Premium Rate Analysis

The attached exhibit shows our average Family / Internal Medicine base premium rates for \$500K limits across Pennsylvania counties from Year-End 2021 through the current period.

Key Findings:

1. **Geographic Variation:** Premium rates vary significantly by region, with Delaware and Philadelphia counties showing the highest base rates (\$21.0k average) compared to the rest of the state (\$18.0k average).
2. **Overall Rate Increases:** Combined statewide rates have increased 29% since Year-End 2021, from \$14.9k to \$19.3k average base premium.
3. **Regional Disparities:**
 - Delaware/Philadelphia: 24% increase since Year-End 2021
 - Bucks/Chester/Montgomery: 31% increase since Year-End 2021
 - Rest of State: 27% increase since Year-End 2021

The data suggests that while the Philadelphia region historically commanded higher rates, the surrounding counties (Bucks, Chester, Montgomery) have experienced the sharpest increases, reflecting venue shopping impacts as cases migrate to plaintiff-favorable jurisdictions.

It is clear, as stated by Med Pro, that the counties surrounding Philadelphia are experiencing the sharpest increases as venue shopping unleashed by the rescission of the medical malpractice venue rule migrates cases to Philadelphia.

The Supreme Court's Review of the Impact of the Rescission of the Venue Rule

A little known, unheralded provision of the rules of venue that were adopted in 2022 and went into effect January 1, 2023, is as follows:

(g) The Civil Procedural Rules Committee shall reexamine the 2022 rule amendments two years after their effective date.

See Appendix C.

Two years after the effective date was January 1, 2025. Presumably the Civil Procedural Rules Committee has had time to complete its reexamination of the rule change. The rules committee answers directly to the Supreme Court. The rules committee has surely made its recommendations and findings to the Supreme Court by this time. Yet the Court is silent on what, if anything it intends to do to ameliorate the negative impacts caused by its rescission of the medical malpractice venue rule. Why is the Supreme Court silent and when will it inform the public on the outcome of the committee's reexamination and any actions that will be taken?

There are three Supreme Court Justices asking to be retained for another term on the Court. Surely it is not too much to ask that the Supreme Court release any report, recommendations, and intended course of action before Pennsylvanians go to the polls on

November 4. The public deserves to have this information before making decisions at the polls.

Appendix A

Statutory Venue Provisions in Pennsylvania

12 Pa.C.S. §6208	20 Pa.C.S. §7714	42 Pa.C.S. §6321
12 Pa.C.S. §6307	20 Pa.C.S. §7777	42 Pa.C.S. §7304
15 Pa.C.S. §2576	20 Pa.C.S. §7796	42 Pa.C.S. §7319
16 P.S. §12024	20 Pa.C.S. §8302	42 Pa.C.S. §7321.28
18 Pa.C.S. §903	20 Pa.C.S. §8303	42 Pa.C.S. §8523
18 Pa.C.S. §910	23 Pa.C.S. §2302	42 P.S. §20041
18 Pa.C.S. §2709	24 P.S. §5105.9	50 P.S. §4426
18 Pa.C.S. §4105	24 P.S. §13.1327.2	50 P.S. §7115
18 Pa.C.S. §4106	24 P.S. §13-1327.3	52 P.S. §3320
18 Pa.C.S. §4120	26 Pa.C.S. §301	53 P.S. §4000.1703
18 Pa.C.S. §5111	35 P.S. §6022.303	53 P.S. §11002-A
18 Pa.C.S. §6161	35 P.S. §6024.703	62 P.S. §1054
18 Pa.C.S. §7511	40 P.S. §221.4	62 P.S. §1411
18 Pa.C.S. §9546	40 P.S. §1303.514	65 Pa.C.S. §715
20 Pa.C.S. §713	42 Pa.C.S. §931	68 P.S. §250.507-B
20 Pa.C.S. §721	42 Pa.C.S. §933	69 P.S. §2205
20 Pa.C.S. §722	42 Pa.C.S. §1105	71 P.S. §775.8
20 Pa.C.S. §726	42 Pa.C.S. §1123	71 P.S. §807.2
20 Pa.C.S. §727	42 Pa.C.S. §1143	71 P.S. §1036.2
20 Pa.C.S. §5614	42 Pa.C.S. §1515	
20 Pa.C.S. §7206	42 Pa.C.S. §5106	

Appendix B

Table 1: Pennsylvania Medical Malpractice Filings

Table 1: Pennsylvania Medical Malpractice Filings																						
	2000-2002												% Change									
	Average												2000-2002									
													Average									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2023
Adams	5	8	2	0	1	3	2	1	1	2	3	1	1	3	3	2	1	3	0	2	0	-100.0
Allegheny	396	272	297	324	301	275	263	326	293	281	296	278	245	271	224	289	217	262	234	236	261	-34.1
Armstrong	4	2	3	3	3	4	1	2	2	8	4	4	4	4	3	2	8	2	1	7	2	-50.0
Beaver	23	17	14	15	12	11	15	16	14	21	21	12	26	14	13	14	13	6	19	22	20	-13.0
Bedford	2	5	0	0	4	0	3	2	4	5	1	0	3	5	3	0	0	0	0	0	1	-50.0
Berks	36	12	13	14	27	24	37	30	22	26	24	25	27	27	32	34	33	33	26	24	24	-33.3
Blair	25	21	24	2	10	11	17	15	20	20	15	15	18	16	15	16	11	20	9	11	11	-56.0
Bradford	7	6	10	2	4	7	8	7	1	5	6	7	5	8	5	4	4	9	4	3	8	14.3
Bucks	52	3	43	62	51	58	55	56	30	55	59	56	72	72	59	70	54	57	61	45	33	-36.5
Butler	26	16	15	13	8	6	7	11	16	7	15	18	10	7	4	9	12	18	16	14	9	-65.4
Cambria	28	32	11	6	11	5	8	15	20	12	17	24	11	16	14	12	23	18	11	10	8	-71.4
Cameron/Elk	4	2	2	2	1	2	3	3	2	5	3	3	6	2	3	4	2	1	2	3	0	-100.0
Carbon	5	12	4	2	9	8	4	8	5	3	5	1	1	0	5	5	0	2	7	1	0	-100.0
Centre	14	10	7	6	10	14	5	10	7	6	12	15	10	9	13	7	8	10	4	6	9	-35.7
Chester	39	39	35	41	32	40	20	32	24	37	31	35	27	45	34	34	47	35	45	37	20	-48.7
Clarion	3	5	3	7	1	3	0	0	0	1	4	3	2	3	2	4	1	3	5	2	2	-33.3
Clearfield	9	4	5	7	12	6	4	1	7	9	1	9	5	13	9	8	9	9	13	7	11	22.2
Clinton	2	1	1	0	2	1	1	0	0	0	0	0	0	3	2	2	1	1	2	0	1	-50.0
Columbia/Montour	14	30	15	14	19	33	23	25	25	17	16	18	13	19	13	16	23	25	22	17	10	-28.6
Crawford	3	2	5	2	5	6	1	5	7	5	4	9	3	5	8	11	11	1	9	10	4	33.3
Cumberland	22	27	12	3	2	1	4	9	27	20	23	13	14	26	16	11	15	17	18	14	12	-45.5
Dauphin	79	43	41	44	39	46	41	40	51	33	35	41	47	54	28	31	34	41	27	36	42	-46.8
Delaware	72	36	75	62	66	38	22	51	59	47	52	44	57	41	50	44	52	35	56	39	18	-75.0
Erie	54	44	34	34	40	24	21	49	37	34	46	33	29	35	26	25	36	36	26	33	20	-63.0
Fayette	18	13	11	13	7	7	12	10	9	14	11	19	13	5	12	14	12	21	5	12	7	-61.1
Forest/Warren	4	2	2	1	3	2	0	3	1	4	2	3	7	3	4	0	2	2	4	2	3	-25.0
Franklin/Fulton	13	9	4	1	5	2	7	6	12	7	10	6	11	5	4	8	5	3	8	1	3	-76.9
Greene	1	1	3	2	1	0	1	1	1	0	2	2	2	2	5	3	0	1	0	5	6	500.0
Huntingdon	7	5	2	0	3	0	0	0	4	3	4	2	4	0	1	1	2	0	2	0	3	-57.1
Indiana	2	4	3	3	3	7	1	2	5	3	4	3	4	11	4	6	6	6	6	5	4	100.0
Jefferson	4	4	6	3	5	2	5	2	5	1	4	5	2	0	3	7	6	1	5	5	7	75.0
Junata/Perry	0	0	0	1	0	1	0	0	2	1	2	0	1	3	0	0	0	1	1	0	1	
Lackawanna	65	34	31	35	35	36	33	37	36	30	27	22	47	34	29	31	33	28	42	44	52	-20.0
Lancaster	7	5	31	31	40	13	17	12	26	35	34	27	40	37	26	39	33	33	39	27	31	342.9
Lawrence	4	4	17	13	20	11	12	18	17	7	5	8	7	15	9	9	12	6	9	6	9	125.0
Lebanon	9	7	7	0	3	5	4	6	11	3	4	8	4	6	8	16	5	3	5	4	5	-44.4
Lehigh	72	101	93	78	70	62	63	38	38	58	50	47	36	40	36	54	60	49	51	29	27	-62.5

	2000-2002																						% Change 2000-2002
	Average	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Luzerne	34	38	79	36	41	46	54	48	37	48	30	49	50	47	53	47	50	46	33	45	53	47	38.2
Lycoming	18	15	18	9	5	4	5	7	3	9	8	7	6	4	9	7	12	9	12	5	5	11	-38.9
McKean	4	0	3	1	4	1	2	5	3	0	3	2	7	6	0	2	0	0	3	4	3	4	0.0
Mercer	43	41	31	30	21	20	25	16	19	17	5	14	14	12	10	10	10	9	15	9	9	7	-83.7
Mifflin	3	4	1	1	1	3	2	3	1	3	3	0	0	9	0	2	2	4	2	3	7	4	33.3
Monroe	11	5	3	7	5	7	5	12	2	20	6	16	9	16	11	8	5	3	8	8	12	3	-72.7
Montgomery	22	14	102	104	95	103	81	102	66	100	95	94	89	116	105	107	99	115	121	133	118	52	136.4
Northampton	73	47	41	12	2	2	3	18	15	23	26	14	13	14	17	20	35	13	14	20	13	27	-63.0
Northumberland	9	4	6	2	2	2	6	6	1	4	1	5	7	7	3	2	2	2	2	2	16	6	-33.3
Philadelphia	1,204	577	559	540	569	586	553	491	381	418	389	382	382	381	378	406	418	406	348	343	275	541	-55.1
Pike	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	-100.0
Potter	3	6	1	2	1	1	1	1	2	1	1	3	0	2	3	3	0	0	0	1	2	0	-75.9
Schuylkill	29	13	12	9	11	5	12	11	13	15	14	14	23	10	14	15	11	11	12	6	7	7	-71.4
Snyder/Union	7	6	2	2	1	4	3	6	5	1	1	4	6	2	0	3	5	5	6	0	1	2	-50.0
Somerset	8	8	5	8	3	8	3	6	8	4	6	7	5	3	7	2	10	6	3	7	3	4	-100.0
Sullivan/Wyoming	4	2	3	1	0	2	0	1	0	0	0	0	1	0	0	0	0	1	1	2	0	0	-100.0
Susquehanna	0	0	0	1	0	3	1	0	0	0	6	4	0	1	0	0	1	2	2	1	0	0	-100.0
Tioga	3	0	0	1	1	1	0	1	1	0	1	0	0	0	2	2	1	1	1	1	1	0	-75.0
Venango	8	5	3	4	3	2	4	2	3	1	1	1	4	4	2	0	2	2	6	5	5	2	128.6
Washington	7	4	21	29	26	25	21	21	31	39	21	31	19	30	25	30	24	28	27	7	30	16	-66.7
Wayne	3	3	7	7	4	0	5	4	5	6	0	2	3	1	4	5	0	4	5	6	0	1	-41.9
Westmoreland	62	49	26	35	27	18	19	12	14	107	52	37	27	29	27	25	21	25	29	32	32	36	-35.4
York	48	33	15	20	15	23	23	39	31	16	16	23	31	22	12	31	29	29	28	26	21	31	-45.7
State Total	2,733	1,712	1,819	1,711	1,702	1,640	1,602	1,532	1,490	1,675	1,510	1,560	1,512	1,530	1,541	1,449	1,579	1,512	1,476	1,460	1,332	1,485	-45.7

Notes:

- A filing refers to the commencement of a civil action by complaint or praecipe for writ of summons. To avoid double-counting, adjustments were made to the filing figures for cases transferred from one judicial district to another pursuant to Pa.R.C.P. 1006(a)(1).
- Liability actions brought against dental professionals may be included in some county counts.

Appendix C

Rule 1006. Venue. Change of Venue.

- (a) **General Rule.** Except as otherwise provided by subdivisions [(a.1), (b),] **(b)** and (c) of this rule, an action against an individual may be brought in and only in a county [in which] **where**

[(1) the individual may be served or in which the cause of action arose or where a transaction or occurrence took place out of which the cause of action arose or in any other county authorized by law, or]

(1) the individual may be served;

(2) the cause of action arose;

(3) a transaction or occurrence took place out of which the cause of action arose;

[Note: For a definition of transaction or occurrence, see *Craig v. W. J. Thiele & Sons, Inc.*, 149 A.2d 35 (Pa. 1959).]

(4) venue is authorized by law; or

[(2)][5]the property or a part of the property, which is the subject matter of the action, is located provided that equitable relief is sought with respect to the property.

[(a.1) Except as otherwise provided by subdivision (c), a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in a county in which the cause of action arose. This provision does not apply to a cause of action that arises outside the Commonwealth.

Note: See Section 5101.1(c) of the Judicial Code, 42 Pa.C.S. § 5101.1(c), for the definitions of “health care provider,” “medical professional liability action,” and “medical professional liability claim.”]

- (b) **Venue Designated by Rule.** Actions against the following defendants, except as otherwise provided in subdivision (c), may be brought in and only in the counties designated by the following rules: political subdivisions, Rule 2103; partnerships, Rule 2130; unincorporated associations, Rule 2156; corporations and similar entities, Rule 2179.

[Note: Partnerships, unincorporated associations, and corporations and similar entities are subject to subdivision (a.1) governing venue in medical professional liability actions. See Rules 2130, 2156 and 2179.]

Subdivision (a.1) is a venue rule and does not create jurisdiction in Pennsylvania over a foreign cause of action where jurisdiction does not otherwise exist.]

(c)[(1) Except as otherwise provided by subdivision (c)(2), an] Joint and Several Liability Actions. An action to enforce a joint or joint and several liability against two or more defendants, except actions in which the Commonwealth is a party defendant, may be brought against all defendants in any county in which the venue may be laid against any one of the defendants under the general rules of subdivisions (a) or (b).

[(2) If the action to enforce a joint or joint and several liability against two or more defendants includes one or more medical professional liability claims, the action shall be brought in any county in which the venue may be laid against any defendant under subdivision (a.1). This provision does not apply to a cause of action that arises outside the Commonwealth.]

(d) Transfer of Venue.

(1) For the convenience of parties and witnesses, the court upon petition of any party may transfer an action to the appropriate court of any other county where the action could originally have been brought.

(2) [Where] If, upon petition and hearing [thereon], the court finds that a fair and impartial trial cannot be held in the county for reasons stated of record, the court may order that the action be transferred. The order changing venue shall be certified [forthwith] to the Supreme Court, which shall designate the county to which the case is to be transferred.

[Note: For the recusal of the judge for interest or prejudice, see Rule 2.11 of the Code of Judicial Conduct.]

(3) It shall be the duty of the prothonotary of the court in which the action is pending to forward to the prothonotary of the county to which the action is transferred, certified copies of the docket entries, process, pleadings, depositions, and other papers filed in the action. The costs and fees of the petition for transfer and the removal of the

record shall be paid by the petitioner in the first instance to be taxable as costs in the case.

(e) **Improper Venue to be Raised by Preliminary Objection.** Improper venue shall be raised by preliminary objection and if not so raised shall be waived. If a preliminary objection to venue is sustained, and there is a county of proper venue within the State, the action shall not be dismissed but shall be transferred to the appropriate court of that county. The costs and fees for transfer and removal of the record shall be paid by the plaintiff.

(f)[(1) **Except as provided by subdivision (f)(2), if Multiple Causes of Action.** If the plaintiff states more than one cause of action against the same defendant in the complaint pursuant to Rule 1020(a), the action may be brought in any county in which any one of the individual causes of action might have been brought.

[(2) **Except as otherwise provided by subdivision (c), if one or more of the causes of action stated against the same defendant is a medical professional liability claim, the action shall be brought in a county required by subdivision (a.1).]**

(g) The Civil Procedural Rules Committee shall reexamine the 2022 rule amendments two years after their effective date.

Comment: For a definition of transaction or occurrence, see *Craig v. W. J. Thiele & Sons, Inc.*, 149 A.2d 35 (Pa. 1959).

For the recusal of the judge for interest or prejudice under subdivision (d)(2), see Rule 2.11 of the Code of Judicial Conduct.

[EXPLANATORY COMMENT—1982

The revision of subdivision (d) of Venue Rule 1006 is made necessary by the repeal by the Judiciary Act Repealer Act (JARA) of a number of Acts of Assembly providing for a change of venue in civil actions for inability to obtain a fair and impartial trial because of interest or prejudice. The acts were repealed by JARA as of June 27, 1978, and they were not re-enacted as part of the Judicial Code. However, they remained in force under the “fail-safe provision” of Section 3(b) of JARA, 42 P.S. § 20003(b), until such time as general rules governing the subject were promulgated.

Among the acts repealed were the following: